

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Anthony DAVIS

Case No. 2:23-mj-256

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 14, 2023 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section
 18 USC 922(g)(1)

Offense Description
 Knowing Possession a Firearm by a Convicted Felon

This criminal complaint is based on these facts:

See attached affidavit, incorporated herein by reference.

☒ Continued on the attached sheet.*Cole Benner**Complainant's signature*

Cole Benner, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 14, 2023City and state: Columbus Ohio*Kimberly A. Tolson*Kimberly A. Tolson
United States Magistrate Judge

AFFIDAVIT

I, Cole D. Benner, deposes and state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearm and Explosives (ATF), and have been since March of 2020. I am currently assigned to the Columbus, Ohio Field Office as a member of the Crime Gun Enforcement Team (CGET) Task Force. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to federal firearms offenses, including the unlawful possession of firearms and ammunition by individuals who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. I have participated in numerous investigations of criminal violations relating to illegal firearms possession, firearms trafficking, and shooting investigations. I am familiar with, and have utilized multiple investigative methods, including electronic surveillance, visual surveillance, search warrants, and the utilization of GPS/E-911 data.

2. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As result of my training and experience, I am familiar with federal laws including 18 U.S.C. § 922(g)(1), which states: “It shall be unlawful for any person—who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

3. I know based on my training and experience that individuals who possess firearm and ammunition often possess other items commonly used or acquired in connection with the possession of firearms and ammunition. Some of these items include, but are not limited to, other

firearms, firearm parts, additional ammunition, firearm receipts, firearms brochures or owner's manuals, records of sale or acquisition of firearms, firearms magazines, and holsters.

4. I know that individuals who possess firearms and ammunition as felons or otherwise often store those firearms and ammunition in their homes or cars so that the firearms and ammunition are easily accessible. I also know that firearms are durable and non-perishable goods, which can be expected to remain in the individual's possession for extended periods of time.

5. The facts in this affidavit come from my personal observations, training and experience, as well as information obtained from other agents, officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Anthony DAVIS has violated Title 18 U.S.C. § 922(g)(1), Possession of Firearm and Ammunition by Convicted Felon.

**PROBABLE CAUSE:
Possession of Firearm, April 14, 2023, 2377 Hanna Dr. Columbus, OH**

7. On or about March 13, 2023, I reviewed CPD report #220819578 (Felony Assault) and #220819474 (Menacing).

A. CPD Report #220819474 Menacing

8. On or about November 7, 2022, at approximately 7:20 p.m., law enforcement officers were dispatched to 2278 Minnesota Ave. Columbus, OH 43211. Upon arrival, law enforcement officers located a victim who stated that a black and red Dodge sedan pulled up to the residence with three or four subjects inside. At different times during their statement the victim stated that a black female had a firearm, and a black male had a firearm.

9. Officers spoke with a second victim who stated that unknown females arrived in a black vehicle attempting to fight. This victim stated the subjects in the black car were waving a gun. The victim stated the black sedan fled the scene. Based upon the investigation, this vehicle is suspected to be a black Dodge Magnum bearing OHLP: JXK7836, registered to DAVIS. No suspects were listed in this report. No firearms were recovered.

B. CPD Report #220819578 Felony Assault

10. On or about November 7, 2022, at approximately 8:10 p.m., officers were again dispatched to 2278 Minnesota Ave. Columbus, OH 43211. Upon arrival, officers spoke with one of the victims who stated the same subjects from an earlier incident (#220819474 Menacing) returned.

11. The victim stated three or four people arrived in a red colored SUV and attempted to fight the victim. This vehicle was later identified as a Maroon Saturn Vue OHLP: JWQ3139 registered to DAVIS. The victim stated a black female, whom law enforcement suspects based upon the investigation to be Tia BOWERS (B/F DOB: 1/26/19XX), and a black male, whom law enforcement suspects based upon the investigation to be DAVIS, both pulled out handguns and pointed them at the victims. One of the victims stated BOWERS struck them in the face with the handgun. A victim stated they had their dog on a leash and the dog lunged at DAVIS at which time DAVIS shot the dog. All three victims stated they believe DAVIS would have shot them if the dog was not outside. The dog was killed by DAVIS.

12. Officers located two shell casings in the street and a magazine containing rounds in the grass. Officers located a 40-caliber casing and a 380-caliber casing. One of the victims also located a cell phone she believes belongs to the male suspect (DAVIS). All property was turned into the property room. No firearms were recovered.

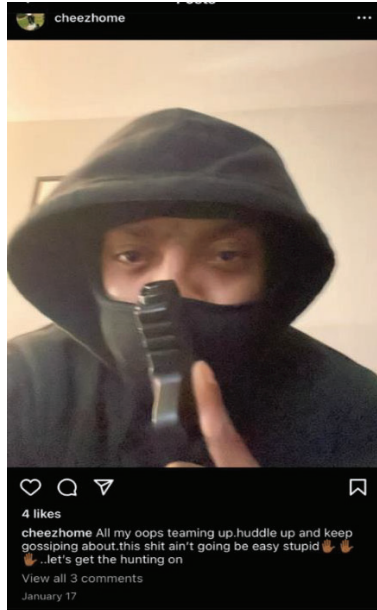
C. Social Media Review

13. On or about March 13, 2023, I conducted a review of an open-source Instagram account (User ID: CheezHome). I believe this account to be controlled and utilized by DAVIS as it contains numerous photographs of DAVIS.

14. I observed a post by DAVIS from January 17, 2023. The post is a photograph of DAVIS holding what appears to be a black semiautomatic pistol. The post was accompanied with the caption “All my oops teaming up. Huddle up and keep gossiping about this shit ain’t going to be easy stupid.. let’s get the hunting on.”

15. Based on my training and experience I believe DAVIS is saying that if his perceived rivals continue to talk negatively about him, DAVIS will retaliate with violence using his firearm shown in the photograph.

16. Based on my training and experience, I believe the firearm DAVIS is holding in the above photograph matches the characteristics of a Smith & Wesson pistol. Specifically, the indentations in the rail and the smooth curve of the trigger guard match the characteristics of a Smith & Wesson pistol. I know based on training and experience that Smith & Wesson makes pistols in both 40 caliber and 380 caliber. I know based on training and experience that Smith & Wesson pistols are not manufactured in the state of Ohio.



Instagram post 1/17/2023

17. I observed a post by DAVIS from January 20, 2023. The photo shows DAVIS holding a small child with what appears to be the handle of a black semiautomatic pistol in his pocket.



**Instagram post 1/20/2023
Photo posted on Facebook 2/9/2023**

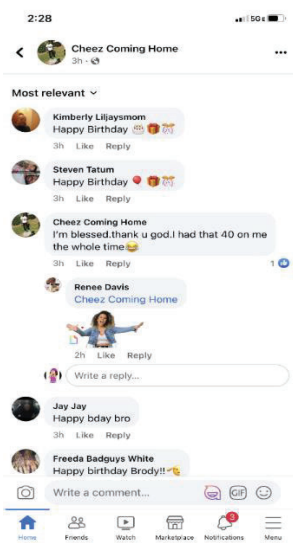
18. Based on training and experience, I believe the handle of this firearm matches the characteristics of a Smith & Wesson pistol. I know based on training and experience that Smith & Wesson makes pistols in both 40 caliber and 380 caliber.

19. On or about March 13, 2023, I conducted a review of an open-source Facebook account (User ID: Cheez Coming Home). I believe this account to be controlled and utilized by DAVIS as it contains numerous photographs of DAVIS.

20. On or about February 9, 2023, DAVIS posted the same photograph shown above, with the suspected Smith & Wesson pistol in his pocket, to his Facebook account.

21. On or about March 24, 2023, I conducted a review of an open-source Facebook account (User ID: Cheez Coming Home). I believe this account to be controlled and utilized by DAVIS as it contains numerous photographs of DAVIS.

22. I observed a post by DAVIS from March 24, 2023. DAVIS commented on the post stating “I’m blessed. thank u god. I had that 40 on me the whole time.”



March 24, 2023, Facebook Comment

23. Based on my training and experience I know that individuals will sometimes refer

to their firearm by saying what caliber of ammunition the firearm chambers.

24. I know that during the November 7, 2022, Felonious Assault shooting, which DAVIS is listed as a suspect in, a 40-caliber shell casing was located and seized by law enforcement.

D. Surveillance at 2377 Hanna Dr. (SUBJECT PREMISES)

25. On or about March 23, 2023, I conducted electronic surveillance at 2377 Hanna Dr. Columbus, OH 43211, the SUBJECT PREMISES. At approximately 9:16 p.m., three subjects approached the front door of the SUBJECT PREMISES. One of the subjects, DAVIS, opened the front door and entered the residence.

26. On or about March 24, 2023, I conducted electronic surveillance at the SUBJECT PREMISES. At approximately 10:32 a.m., DAVIS was seen exiting the front door of the SUBJECT PREMISES.

27. On or about March 25, 2023, I conducted electronic surveillance at the SUBJECT PREMISES. At approximately 2:07 p.m., DAVIS was observed exiting the front door the SUBJECT PREMISES and entering his prior described black Dodge Magnum.

28. On or about March 26, 2023, I conducted electronic surveillance at the SUBJECT PREMISES. At approximately 7:18 a.m., DAVIS was observed exiting the front door of the SUBJECT PREMISES.

29. On or about March 27, 2023, I conducted electronic surveillance at the SUBJECT PREMISES. At approximately 7:16 a.m., DAVIS was observed exiting the front door of the SUBJECT PREMISES.

30. On or about April 10, 2023, I conducted electronic surveillance at the SUBJECT PREMISES. At approximately 2:10 p.m., DAVIS was observed exiting the front door of the

SUBJECT PREMISES.

31. According to a database of criminal records and the Franklin County Common Pleas Clerk of Court Website, DAVIS has been convicted of the following felonies: F4 CCW & F5 Possession of Drugs (Case Number 09CR002195), and F2 Felonious Assault & F2 Robbery (Case Number 09CR002257).

32. On April 14, 2023, at approximately 06:00AM ATF Special Agents (SAs) and Task Force Officers (TFOs) conducted a Federal Search Warrant at 2377 Hanna Dr. Columbus, OH. The Federal Search Warrant (2:23-MJ-242) was issued on April 11, 2023, by United States Magistrate Judge Kimberly A. Jolson. One firearm was located at the residence: A Smith & Wesson, Model M&P, 40 caliber pistol (SN: HAC9154). Approximately 14 rounds of .40 caliber ammunition were loaded into the firearm; the search also yielded approximately 13 additional rounds of 9mm ammunition from the house.

33. Anthony DAVIS (B/M DOB: 3/24/19XX) and Tia BOWERS (B/F DOB: 1/26/19XX), and other subjects, were located inside 2377 Hanna Dr. Columbus, OH during the Search Warrant.

34. BOWERS was advised of her Miranda Rights and agreed to speak to SAs and TFOs without a lawyer present. BOWERS stated DAVIS possessed the aforementioned Smith & Wesson firearm three days ago.

35. DAVIS was advised of his Miranda Rights and agreed to speak to SAs and TFOs without a lawyer present. DAVIS stated he possessed the aforementioned Smith & Wesson firearm approximately two weeks ago in Columbus, OH.

E. Interstate Nexus Determination

36. Your affiant spoke with SA Jason Burns, who is a qualified ATF Interstate Nexus

Expert. On or about April 14, 2023, SA Burns determined the firearm at issue (Smith & Wesson, Model M&P, 40 caliber pistol (SN: HAC9154)) was not manufactured in the state of Ohio, thus having traveled in interstate commerce to be found in the state of Ohio.

CONCLUSION

37. Based upon the above-listed facts and circumstances, Your affiant believes and asserts that there is probable cause that on April 14, 2023, DAVIS did unlawfully and knowingly possess a firearm and ammunition in and affecting interstate commerce after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of 18 U.S.C. § 922(g)(1). The above violations were committed in the Southern District of Ohio, Eastern Division. Your affiant requests that an arrest warrant be issued for Anthony DAVIS.

Cole Benner

Cole Benner, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 14th day of

Kimberly A. Johnson

Kimberly A. Johnson
United States Magistrate Judge

